

S.B. CIVIL WRIT PETITION NO.3491/2005

Radhey Shyam Soni and others Vs. State of Raj. and others.

Date : 6.7.2005

HON'BLE MR. PRAKASH TATIA, J.

Mr. Sajjan Singh, for the petitioners.

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Heard learned counsel for the petitioners.

The petitioners are complainants who have lodged complaint against the Sarpanch of Gram Panchayat, Osiyan alleging that he wrongfully issued patta in favour of his own brother. An enquiry was conducted and thereafter, the Divisional Commissioner held that the patta was wrongly issued in favour of brother of Sarpanch whereas in fact, that property was already owned by some other persons. The Divisional Commissioner also noticed that when this mistake came to the notice of Gram Panchayat, the original patta was summoned from the allottee and has been taken over by the Gram Panchayat. The Divisional Commissioner held that, therefore, there is no loss caused to the Gram Panchayat in any manner.

Even if it is accepted that the land in question was belonging to some third person, then that was not a loss of Gram Panchayat and a wrong patta was issued to Murlidhar Rathi and that patta has already been deposited by said

Murlidhar Rathi with the Gram Panchayat.

Therefore, in the totality of the facts, if the concerned authority has drawn the proceedings, this Court is not inclined to interfere in the impugned order.

Accordingly, this writ petition, having no merit, is hereby dismissed.

(PRAKASH TATIA), J.

S.Phophaliya